

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

KEITH SNELL AND TERESA M. SNELL
ON BEHALF OF THEMSELVES AND ALL
OTHERS SIMILARLY SITUATED,

Civil 97-2784 (JRT/AJB)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

ALLIANZ LIFE INSURANCE
COMPANY OF NORTH AMERICA
AND FIDELITY UNION LIFE
INSURANCE COMPANY,

Defendants.

Andrew L. Barroway and Richard S. Schiffrian, **BARROWAY TOPAZ
KESSLER MELTZER & CHECK, LLP**, 280 King of Prussia Road, Radnor, PA 19087, Melvyn I. Weiss, Barry A. Weprin and Brad Friedman, **MILBERG WEISS & BERSHAD, LLP**, One Pennsylvania Plaza 49th Floor, New York, NY 10119-0165, Jack L. Chestnut and Karl L. Cambronne, **CHESTNUT CAMBRONNE, PA**, 17 Washington Avenue North, Suite 300, Minneapolis, MN 55401-2048, John J. Stoia, Jr., **ROBBINS GELLER
RUDMAN & DOWD LLP - SD**, 655 W Broadway, Suite 1900, San Diego, CA 92101, for plaintiffs.

Bryant D. Tchida, **LEONARD, STREET AND DEINARD, PA**, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, Timothy D. Kelly and Catherine A. McEnroe, **KELLY & BERENS, PA** 80 South Eighth Street, Suite 3720, Minneapolis, MN 55402, James F. Jorden, Paul A. Fischer, Richard J. Karpinski, Waldemar J. Pflepsen, Jr. and Roland C. Goss, **JORDEN BURT, LLP**, 1025 Thomas Jefferson Street Northwest, Suite 400E, Washington, DC 20007, Heidi A. O. Fisher and Jeffrey J. Bouslog, **OPPENHEIMER WOLFF & DONNELLY LLP**, 45 South Seventh Street, Suite 3300, Minneapolis, MN 55402, for defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by

Chief United States Magistrate Arthur J. Boylan dated October 13, 2010, all the files and

records, and no objections having been filed to said Report and Recommendation.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Allianz Life Insurance Company of North America and Fidelity Union Life Insurance Company's Motion to Enforce Class Action Settlement and this Court's Final Judgment against Harold W. Melvin and Peggy M. Melvin and Their Counsel [Docket No. 443] is **GRANTED**;
2. That Harold W. Melvin and Peggy M. Melvin, and their Counsel, are enjoined from pursuing their claims in the matter of *Melvin v. Allianz Life and Annuity Company*, Cause No. 2010-41-cv4 (Jones County Circuit Court, Mississippi), or in any other forum or jurisdiction, insofar as those claims are based on or relate to the claims and causes of action, or the facts and circumstances relating thereto, in this action and/or the Released Transactions, as described in this Court's Settlement Order of September 8, 2000 [Docket No. 381];
3. That the Harold W. Melvin and Peggy M. Melvin, and their Counsel, shall provide notice of this Order within seven (7) days, to the Circuit Court of Jones County, Mississippi; and
4. That the Harold W. Melvin and Peggy M. Melvin, and their Counsel shall perform any and all actions necessary to terminate the proceedings in the Circuit Court of Jones County, Mississippi.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: December 22, 2010
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge